

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

GRCDALLASHOMES, LLC

Debtor.

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Case No. 19-41186

**ORDER ON MOTION OF JOHN CALDWELL FOR SANCTIONS AGAINST
GRCDALLASHOMES, LLC**

On this day came on for hearing the Motion of John Caldwell for Sanctions Against GRCDallasHomes, LLC. The Court finds that notice of the hearing has been properly served on all parties in interest.

Following the receipt of all evidence and hearing the argument of counsel the Court makes the following findings:

- a. On April 16, 2021, John Caldwell properly served his First Request for Production of Documents on counsel for the Debtor concerning the Plan Agent's Motion For Authority To Make Certain Payments and To Make An Interim Distribution To Unsecured Creditors;
- b. Based on an agreed extension of time responses to the Request for Productions were due by May 24, 2021;
- c. The Debtor did not timely respond to the Request for Production or file any objections;
- d. The hearing on the Plan Agent's Motion was scheduled for June 3, 2021;
- e. A rescheduling of the Plan Agent Motion would adversely affect the rights of John Caldwell and other parties in interest;
- f. Even if the Debtor produced the requested documents it would not allow sufficient time for Caldwell's attorneys to adequately review them in time for the June 3 hearing;

- g. Therefore, the remedies in Fed. R. Civ. Pro. 37 are not adequate to this matter;
- h. This Court has the inherent authority to fashion a remedy to the failure of the Debtor to comply with discovery requirements.

It is therefore ORDERED that it is deemed:

- a. That the Debtor has failed to maintain appropriate records to account for property which was held for the benefit of creditors; and
- b. That such finding is an additional ground to be considered in appointing a trustee or converting this case to Chapter 7.

Signed on 4/20/2022

Brenda T. Rhoades YM
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

Slip Listing

No. 19-41186; GRCDallasHomes, LLC
Caldwell attorney fee slip listing
for Motion for Sanctions heard June 3, 2021

Transaction Date	Client	Description	Time Spent	Rate Value	Slip Value
5/25/2021	Caldwell.John	Draft of motion for sanctions re: request for production concerning plan agent motion for interim distribution (adapted from motion to compel in claim objection)	1.00	\$350.00	\$350.00
5/25/2021	Caldwell.John	Research: available remedies for failure to respond to discovery when rescheduling hearing is not requested: Use of court's inherent authority	2.70	\$200.00	\$540.00
5/25/2021	Caldwell.John	Draft of Motion for Expedited Consideration of Motion for Sanctions and proposed order	0.70	\$300.00	\$210.00
5/25/2021	Caldwell.John	Finalize motions (sanctions and expedited hearing), mark exhibits; Upload motions; Email court re: expedited hearing request.	1.00	\$100.00	\$100.00
6/3/2021	Caldwell.John	Appearance at sanctions hearing on interim distribution motion	0.50	\$350.00	\$175.00
6/4/2020	Caldwell.John	Preparation of sanctions time slip listing	0.25	\$100.00	\$25.00
anticipated	Caldwell.John	Preparation of sanctions order	0.25	\$350.00	\$87.50
			6.40		\$1,487.50